

Rec'd PCT/PTC 14 NOV 2005

Page 1 of 2

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 C.F.R. § 1.63)**

Attorney Docket Number **213222.00095**
First Named Inventor **ANTHONY GERKIS, ET AL.**

COMPLETE IF KNOWN

☐ Declaration Submitted with Initial Filing
☒ Declaration Submitted after Initial Filing (surcharge (37 C.F.R. § 1.16(e)) required)

Application Number **10/520,705**
Filing Date **January 10, 2005**
Art Unit **Unassigned**
Examiner Name **Unassigned**

As the below-named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM, APPARATUS AND METHOD FOR UPLINK RESOURCE ALLOCATION

☐ is attached hereto

or

☒ was filed on (MM/DD/YYYY)

01/10/2005

as United States Application Number or PCT International

Application Number

10/520,705

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

PRIORITY INFORMATION:

I hereby claim domestic priority benefits under 35 U.S.C. § 119(e) of any provisional application listed below.

I hereby claim domestic priority benefits under 35 U.S.C. § 120 of any United States application, or § 365(c) of any PCT international application designating the United States listed below.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or 365(b) of any foreign application for patent, inventor's or plant breeder's rights certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Domestic or Foreign Application Number(s)	Country	Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? (for FOREIGN only)	
				YES	NO
2,392,574	CA	07/08/2002	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PCT/CA2003/00999		07/08/2003	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DECLARATION - UTILITY OR DESIGN PATENT APPLICATION

CORRESPONDENCE ADDRESS

Direct all correspondence to: ☒ Customer Number or Bar Code Label **27160** or ☐ Correspondence address below

Name

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor
Given Name (first and middle): AnthonyFamily Name or Surname: GERKISInventor's Signature: [Signature]Date: 1/6/05Residence: 16 Callowhill AvenueCity Richmond Hill State ONC OntarioCountry Canada Citizenship Canadian

Mailing Address:

Street 312 Adelaide Street West, Suite 600City TorontoState Ontario

Zip

M5V 1R2

Country

Canada

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor
Given Name (first and middle): AliFamily Name or Surname: ARAD

Inventor's Signature:

Date:

Residence:

City Toronto State OntarioCountry CanadaCitizenship Canadian

Mailing Address:

Street 312 Adelaide Street West, Suite 600City TorontoState Ontario

Zip

M5V 1R2

Country

Canada

DECLARATION - UTILITY OR DESIGN PATENT APPLICATION

CORRESPONDENCE ADDRESS:

Direct all correspondence to:	<input checked="" type="checkbox"/>	Customer Number or Bar Code Label	27160	or	<input checked="" type="checkbox"/>	Correspondence address below
Name						
Address						
City				State		Zip
Country			Telephone			Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle): Anthony		Family Name or Surname: GERKIS	
Inventor's Signature:		Date:	
Residence: 16 Callowhill Avenue			
City	Richmond Hill	State	Ontario
Country	Canada	Citizenship	Canadian
Mailing Address:			
Street 312 Adelaide Street West, Suite 600			
City	Toronto	State	Ontario
Zip	M5V 1R2	Country	Canada

NAME OF SECOND INVENTOR:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle): Ali		Family Name or Surname: ARAD	
Inventor's Signature: <i>Ali Arad</i>		Date: 11/08/2005	
Residence: 111 Silver Stream Avenue			
City	Richmond Hill	State	Ontario
Country	Canada	Citizenship	Canadian
Mailing Address:			
Street 312 Adelaide Street West, Suite 600			
City	Toronto	State	Ontario
Zip	M5V 1R2	Country	Canada



Rec'd PCT/PTO 14 NOV 2005

10/520705

**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT
BY ASSIGNEE OF RECORD**

Application Number	10/520,705
Filing Date	January 10, 2005
First Named Inventor	ANTHONY GERKIS, ET AL.
Title	SYSTEM, APPARATUS AND METHOD FOR UPLINK RESOURCE ALLOCATION
Group Art Unit	NYA
Examiner Name	NYA
Attorney Docket Number	213222.00095

I HEREBY APPOINT:

☒ Practitioners at Customer Number

27160

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

PLEASE CHANGE THE CORRESPONDENCE ADDRESS FOR THE ABOVE IDENTIFIED APPLICATION TO:

☒ The above-mentioned Customer Number

OR

☐ Practitioners at Customer Number

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

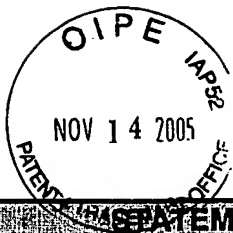
**I AM THE ASSIGNEE OF RECORD OF THE ENTIRE INTEREST. SEE 37 CFR 3.71.
A STATEMENT UNDER 37 CFR 3.73(b) IS ENCLOSED.**

SIGNATURE OF ASSIGNEE OF RECORD

Name	R. Douglas Kneebone
Signature	
Date	November 10, 2005

NOTE: Signatures of ALL of the assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. If submitting multiple forms, complete the following:

☒ A total of 1 Power of Attorney or Authorization of Agent forms are being submitted.



Rec'd PCT/PTO 14 NOV 2005
10/520705

STATEMENT UNDER 37 C.F.R. § 3.73(b)	
Applicant/Patent Owner:	ANTHONY GERKIS, ET AL.
Application No./Patent No.	10/520,705
Filed/Issue Date:	January 10, 2005
Entitled: SYSTEM, APPARATUS AND METHOD FOR UPLINK RESOURCE ALLOCATION	
SOMA Networks, Inc. , a	California corporation
(Name of Assignee)	(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)
STATE THAT IT IS:	
1.	<input checked="" type="checkbox"/> the assignee of the entire right, title, and interest ; or
2.	<input type="checkbox"/> an assignee of less than the entire right, title and interest. The extent of its ownership interest is _____% (by percentage)
in the patent application/patent identified above by virtue of either:	
A.	<input type="checkbox"/> An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the U. S. Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
OR	
B.	<input type="checkbox"/> A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:
1.	From: _____ To: _____ The document was recorded in the U. S. Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2.	From: _____ To: _____ The document was recorded in the U. S. Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3.	From: _____ To: _____ The document was recorded in the U. S. Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
<input type="checkbox"/> Additional documents in the chain of title are listed on a supplemental sheet.	
<input type="checkbox"/> Copies of assignments or other documents in the chain of title are attached. [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to the Assignment Division in accordance with 37 C.F.R. Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]	
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.	
Date: <u>November 10, 2005</u>	Typed or printed name: <u>R. Douglas Kneebone</u>
Signature:	
Title:	<u>General Counsel</u>

ASSIGNMENT

BETWEEN

Gerkis, Anthony
Arad, Ali
and
SOMA Networks, Inc.

1. DEFINITIONS

- a) "Assignors" mean:
- i) Gerkis, Anthony, an individual having a postal address of Suite 700, 312 Adelaide St. West, Toronto, Ontario, Canada, M5V 1R2; and
 - ii) Arad, Ali, an individual having a postal address of Suite 700, 312 Adelaide St. West, Toronto, Ontario, Canada, M5V 1R2.
- b) "Assignee" means SOMA Networks, Inc. a California corporation having a place of business at Suite 2000, Wharfside Bldg. China Basin Landing, 185 Berry Street, San Francisco, California, 94107 United States of America, including its successors and assigns.
- c) "Invention" means an invention made by the Assignors and entitled, "SYSTEM, APPARATUS AND METHOD FOR UPLINK RESOURCE ALLOCATION".
- d) "Rights to the Invention" means, without limitation, all rights, titles, interests and claims of any nature in and to:
- i) the Invention for Canada, the United States of America and all other foreign jurisdictions;
 - ii) all Patent Applications for the Invention for Canada, the United States of America and all other foreign jurisdictions ("Patent Applications");
 - iii) all Letters Patent that may be obtained for the Patent Applications ("Issued Patents");
 - iv) all continuations, continuations-in-part, re-examinations, reissues, requests for continued examination (RCE) and divisions of the Patent Applications and/or Issued Patents; and,
 - v) the right to claim priority under International Convention and/or Treaties for the Patent Applications and/or Issued Patents.

2. BACKGROUND

- a) The Assignee wishes to acquire the Rights to the Invention from the Assignors.
- b) Each of the parties agrees to be bound by the provisions of this Assignment.
- c) This Assignment replaces and supersedes any prior Assignments, whether oral or in writing, made between the parties, or any of them.

3. THE INVENTION

- a) In addition to other good and valuable consideration, Assignee paid in hand the sum of one dollar (\$1.00) to Assignors for the Rights to the Invention.
- b) Assignors hereby acknowledge the receipt and sufficiency of the consideration received from the Assignee.
- c) Assignors hereby sell, assign and transfer to the Assignee, its successors and assigns, the Assignors' Rights to the Invention.
- d) Assignors hereby authorize and request the Commissioner of Patents for Canada to issue Canadian Letters Patent for the Invention to the Assignee, for Assignee's sole use and benefit, to the full end of the term for which Canadian Letters Patent may be granted, as fully and entirely as the same would have been held by the Assignors had this Assignment not been made.
- e) Assignors hereby authorize and request the Commissioner of Patents (or the equivalent) for such other jurisdictions where Assignee files applications for the invention, to issue Letters Patent in that jurisdiction for the Invention to the Assignee, for the Assignee's sole use and benefit, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by the Assignors had this Assignment not been made.
- f) Assignors hereby undertake without liability at any time upon request to do everything legally possible to assist the Assignee in the filing and prosecution of any patent application relating to the Invention in any jurisdiction, to sign such documents and do such things as may be required to give effective legal and registered title of the Assignee to the Invention in any jurisdiction, all without further consideration but at the expense of the Assignee.

4. APPLICABLE LAW AND INTERPRETATION

- a) This Assignment is governed and is to be construed and enforced in accordance with the internal laws of the Province of Ontario.
- b) The invalidity or unenforceability of any provision of this Assignment will not affect the validity or enforceability of any other provision and the Assignment will be construed as if such invalid provision were omitted.
- c) The parties agree that there are no representations, warranties, collateral Assignments or conditions affecting this Assignment other than as expressed in this Assignment.
- d) The provisions of this Assignment are for the benefit of and are binding on the parties and their respective heirs, executors, administrators and assigns.

STATEMENT BY WITNESS

Signed in the presence of:

Everitt Long

Having a Full Postal Address of:

Suite 700, 312 Adelaide St. West, Toronto, Ontario, Canada,
M5V 1R2

I hereby declare that I was personally present and did see:

GERKIS, ANTHONY

who is personally known to me to be the person named in the assignment herein, duly sign and execute the same.

Witness Signature

Everitt Long

SIGNATURE OF GERKIS, ANTHONY

[Signature]
GERKIS, ANTHONY

July 8/02
Date of Execution

STATEMENT BY WITNESS

Signed in the presence of:

Everitt Long

Having a Full Postal Address of:

Suite 700, 312 Adelaide St. West, Toronto, Ontario, Canada,
M5V1R2

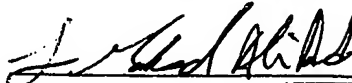
I hereby declare that I was personally present and did see:

Arad, Ali

who is personally known to me to be the person named in the assignment herein, duly sign and execute the same.

Witness Signature _____

SIGNATURE OF Arad, Ali



Arad, Ali

Jan. 9, 2003

Date of Execution

STATEMENT BY WITNESS

Signed in the presence of:

Everitt Long

Having a Full Postal Address of:

Suite 700, 312 Adelaide St. West, Toronto, Ontario, Canada, M5V 1R2

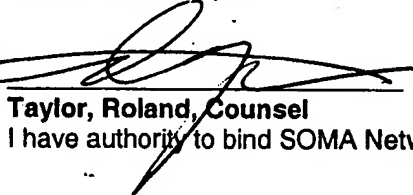
I hereby declare that I was personally present and did see:

TAYLOR, ROLAND

who is personally known to me to be the person named in the assignment herein, duly sign and execute the same.

Witness Signature _____

**SIGNATURE ON BEHALF OF
SOMA Networks, Inc.**



Taylor, Roland, Counsel

I have authority to bind SOMA Networks, Inc.

8 JULY 2002

Date of Execution